IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 7278 of 2004

Between:

Sk. Madeena S/o. (Late) Madeena
A.P. Study Circle Branch, Visakhapatnam.

..... PETITIONER

AND

1. A.P.Study Circle, rep by its Director, B.R. Ambedkar Bhavan,

Lower Tank Bund Road, Hyderabad.

2. The commissioner of Social Welfare, Telugu Samkshema Bhavan

Masabtank, Hyderabad.

3. The Deputy Director A.P. Study Circle Plot No.17,

D.No.10-1-11/3,Gangapur, Layout, Visakhapatnam-3

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of mandamus declaring the action of the respondents in not regularising the services of the petitioner on par with the similarly situated persons who are working at A.P. Study Circle, Hyderabad, and not granting pay scale attached to the post and also not considering the case of the petitioner as per Amendment Act 27/98 Dt:19-8-1998 which was interpreted by the Division Bench of this hon. Court as arbitrary, illegal and violative of Article 14,16

and 21 of the constitution of India and consequentially to direct the respondents to regularize the services on par with other similarly situated persona as referred in the body of W.P.

Counsel for the Petitioner :MR.P.V.RAMANA

Counsel for the Respondent No.2: GP FOR SOCIAL WELFARE

Counsel for the Respondents 1 and 3: Mr. G. Chadraiah.

The Court made the following :

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ORAL ORDER:

Heard both sides and at their request the writ petition itself is taken up for disposal.

The only grievance of the petitioner in this writ petition is to consider his case for regularization on par with his juniors who were sought to be given the benefit of promotion without considering his case. Further reliance is also placed by the counsel for the petitioner on a decision reported in SECRETARY, A.P.S.W.R.E.I. SOCIETY, HYDERABAD V. P. VENKATA KUMARI ([1]).

Following the same, there cannot be any objection in this regard from the respondents.

The writ petition is accordingly disposed of directing the respondents to consider the case of the petitioner for promotion to the post of Cook or any other suitable post, on par with his juniors. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

28.12.2004

CVM

To

1. The Director, A.P. Study Circle, B.R. Ambedkar Bhavan,

Lower Tank Bund Road, Hyderabad.

2. The commissioner of Social Welfare, Telugu Samkshema Bhavan

Masabtank, Hyderabad.

3. The Deputy Director A.P. Study Circle Plot No.17,

D.No.10-1-11/3,Gangapur, Layout, Visakhapatnam-3

4. 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT).

5. 2 CD copies.

THE HON'BLE MR JUSTICE B.PRAKASH RAO

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28.12.2004